

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

| | | |
|--------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | Crim. No. 18-cr-10345-RGS-JGD |
| |) | |
| NICOLE A. LESCARBEAU, |) | |
| |) | |
| Defendant |) | |

**ASSENTED-TO MOTION TO CONTINUE
THE DECEMBER 9, 2020 SENTENCING HEARING**

The United States of America, by Andrew E. Lelling, United States Attorney, respectfully requests that the Court continue the sentencing hearing currently scheduled for December 9, 2020, *see* Dkt. 67, to a date convenient to this Court on or after January 20, 2021. Counsel for the defendant assents to this request.

On December 2, 2020, the defendant, Nicole A. Lescarbeau, in this above-captioned matter was charged in criminal complaint with one count of bank fraud in connection embezzling approximately \$56,000 from a non-profit. *See* 20-mj-4322 at Dkt. 1. Earlier today the defendant was arrested in connection with this new offense, and the criminal complaint was unsealed. *See id.* at Dkt. 7.

Given these developments, a brief continuance of the defendant's sentencing hearing is necessary for the Probation Office and the parties to determine how this new charge and criminal conduct will affect the sentence imposed in this matter, including, but not limited to, the impact on the plea agreement, sentencing guidelines, and the sentencing factors set out in Title 28, United States Code, Section 3553(a).

Accordingly, the United States respectfully requests that the Court continue the defendant's

sentencing hearing currently scheduled for December 9, 2020, to a date convenient to this Court on or after January 20, 2021.

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

Dated: December 3, 2020

By:



JUSTIN D. O'CONNELL, BBO No. 683695
Assistant United States Attorney
John Joseph Moakley Courthouse
One Courthouse Way, Suite 9200
Boston, Massachusetts 02210
Tel: (617) 748-3130
Justin.O'Connell@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

Dated: December 3, 2020

By:

A handwritten signature in black ink, appearing to read "J. O'Connell", written over a horizontal line.

JUSTIN D. O'CONNELL

Assistant United States Attorney